

Nos. 14-1629, -1630

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

NUANCE COMMUNICATIONS, INC., a Delaware Corporation,

Plaintiff-Appellant,

v.

**ABBYY USA SOFTWARE HOUSE, INC., a California Corporation,
ABBYY SOFTWARE, LTD., a Cyprus Corporation,
ABBYY PRODUCTION LLC, a Russia Corporation, and
LEXMARK INTERNATIONAL, INC., a Delaware Corporation,**

Defendants-Cross-Appellants.

Appeal from the United States District Court for the Northern District of California, case no. 3:08-cv-02912-JSW, Judge Jeffrey S. White

**UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S OPENING BRIEF**

Pursuant to Rule 26(b) of the Federal Circuit Rules, appellant Nuance Communications, Inc. (“Nuance”) respectfully moves for a 30-day extension of time, to and including Wednesday, October 15, 2014, to file its opening brief. Nuance’s opening brief currently is due on Monday, September 15, 2014.

This is the first request for an extension of time to file the opening brief for appellant. Counsel for cross-appellants has indicated that cross-appellants do not oppose the requested extension.

Good cause exists for the requested extension. Counsel has several other matters pending in this Court, the Supreme Court, and other federal courts of appeals. Counsel will present oral argument in this Court on September 10, 2014 in *Hitachi Consumer Electronics Co., Ltd. v. Top Victory Electronics (Taiwan) Co., Ltd.*, No. 14-1047 (Fed. Cir.). Counsel also has a reply brief for appellant due on September 15, 2014 in *Oracle America, Inc. v. Google, Inc.*, No. 14-1351 (Fed. Cir.), and an opening brief for appellant due on September 22, 2014 in *City of Santa Monica v. United States*, No. 14-55583 (9th Cir.). Further, counsel recently filed a brief for respondents on August 11, 2014 in *Teva Pharmaceuticals USA, Inc. v. Sandoz Inc.*, No. 13-854 (S. Ct.), a brief for appellee on August 22, 2014 in *Gamecaster, Inc. v. DreamWorks Animation SKG, Inc.*, No. 14-1380 (Fed. Cir.), and a brief for cross-appellant on September 2, 2014 in *Samsung Electronics Corp., Ltd. v. CCP Systems AG*, Nos. 14-1401, -1402 (Fed. Cir.).

For the foregoing reasons, Nuance respectfully requests that the Court grant an extension of time, to and including October 15, 2014, in which to file its opening brief.

Respectfully submitted,

Dated: September 4, 2014

s/ Deanne E. Maynard

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**DECLARATION OF DEANNE E. MAYNARD IN SUPPORT OF
UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S OPENING BRIEF**

I, Deanne E. Maynard, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney duly licensed to practice law in the District of Columbia and the Commonwealth of Virginia, and I am admitted to practice before this Court. I am a Partner with the law firm of Morrison & Foerster LLP, and counsel of record for appellant Nuance Communications, Inc. (“Nuance”) in this

action. I make this declaration in support of Nuance's motion for an extension of time to file the opening brief for appellant.

2. Nuance respectfully requests a 30-day extension of time, to and including Wednesday, October 15, 2014, to file its opening brief. Nuance's opening brief currently is due on Monday, September 15, 2014. This is the first request for an extension of time to file the opening brief for appellant.

3. Counsel has several other matters pending in this Court, the Supreme Court, and other federal courts of appeals. Counsel will present oral argument in this Court on September 10, 2014 in *Hitachi Consumer Electronics Co., Ltd. v. Top Victory Electronics (Taiwan) Co., Ltd.*, No. 14-1047 (Fed. Cir.). Counsel also has a reply brief for appellant due on September 15, 2014 in *Oracle America, Inc. v. Google, Inc.*, No. 14-1351 (Fed. Cir.), and an opening brief for appellant due on September 22, 2014 in *City of Santa Monica v. United States*, No. 14-55583 (9th Cir.). Further, counsel recently filed a brief for respondents on August 11, 2014 in *Teva Pharmaceuticals USA, Inc. v. Sandoz Inc.*, No. 13-854 (S. Ct.), a brief for appellee on August 22, 2014 in *Gamecaster, Inc. v. DreamWorks Animation SKG, Inc.*, No. 14-1380 (Fed. Cir.), and a brief for cross-appellant on September 2, 2014 in *Samsung Electronics Corp., Ltd. v. CCP Systems AG*, Nos. 14-1401, -1402 (Fed. Cir.).

4. Counsel for cross-appellants informed counsel for Nuance that cross-appellants do not oppose the requested extension.

Executed on this 4th day of September, 2014, in Washington, District of Columbia.

s/ Deanne E. Maynard

CERTIFICATE OF INTEREST

Counsel for plaintiff-appellant Nuance Communications, Inc. certifies the following:

1. The full name of every party or amicus represented by me is:

Nuance Communications, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A

3. All parent corporations and any publicly held companies that own 10% or more of the stock of the party or amicus curiae represented by me are:

N/A

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or are expected to appear in this court are:

Dykema Gossett PLLC: Craig N. Hentschel

Morrison & Foerster LLP: Alison M. Tucher*, Brooks M. Beard*, Christopher J. Wiener, Danielle Coleman, Deanne E. Maynard, James P. Bennett, Jessica E. Palmer, Kelly Lowenberg, Marc A. Hearron, Michael A. Jacobs, Patrick J. Zhang*, Richard S.J. Hung

Weil, Gotshal & Manges LLP: Edward R. Reines, David J. Lender, Anish R. Desai

[Continued on next page]

Wilson Sonsini Goodrich & Rosati: Franklin M. Rubinstein, M. Craig Tyler, Ron E. Shulman*, Scott A. Sher, S. Michael Song*, Terrence J.P. Kearney*, Tung-On Kong, Woo J. Kim*, Abraham DeLaO*, Aysha A. Doman, Christopher P. Grawe, Clay Basser-Wall*, Daisy Suet Yin Poon*, Elise Marie Miller*, Henry Pan, Holly B. Baudler*, James C. Yoon, Julie M. Holloway*, Stephen R. Dartt*

* *No longer with firm*

Dated: September 4, 2014

s/ Deanne E. Maynard

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system on September 4, 2014.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: September 4, 2014

s/ Deanne E. Maynard